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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/058,243      | 01/29/2002  | Terence M. Kelleher  | PTI-111             | 3529             |

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EXAMINER

WILSON, YOLANDA L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2113     |              |

DATE MAILED: 08/24/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |   |
|------------------------------|----------------------------|---|
| <b>Office Action Summary</b> | Application No.            | Applicant(s)  |
|                              | 10/058,243                 | KELLEHER, TERENCE M.  |
|                              | Examiner<br>Yolanda Wilson | Art Unit<br>2113  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 29 January 2002.  
 2a) This action is **FINAL**.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Objections***

1. Claims 7 and 8 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 is dependent upon claim 7 and both of these claims contain the same subject matter. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,4-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho (USPN 6038687A). As appears in claim 1, Ho discloses a) providing a data initiator within said computer system; b) providing a data receiver within said computer system and operatively connected to said data initiator over a first data path; c) transmitting a predetermined data test pattern from said data initiator to said data receiver over said first data path; d) receiving said predetermined data test pattern from step (c) at said data receiver; e) transmitting said received data test pattern from step (d) from said data receiver back to said data initiator over a

second data path; f) receiving said data test pattern of step (e) at said data initiator; and g) comparing said predetermined data test pattern of step (c) with said data test pattern of step (f) in column 5, lines 41-67.

4. As per claim 2, Ho discloses h) indicating an error condition when said predetermined data pattern of step (c) and said data test pattern received from said data receiver if step (f) are different. It is inherent that when a circuit compares data an indication is given as to whether or not the data is the same or different. Ho discloses the judging exclusive register compares the read data and the host data, as disclosed in column 5, lines 56-60, to determine whether or the data is the same or different.

5. As per claim 4, Ho discloses wherein said computer system comprises one of the group: a computer and storage router in column 5, lines 41-49. The storage router is the SCSI controller.

6. As per claim 5, Ho discloses wherein said computer system comprises a processor and memory operatively connected thereto in column 5, lines 41-49. It is inherent that the test data be stored so that it can be sent to the receiving device.

7. As per claim 6, Ho discloses wherein said predetermined data test pattern is stored in said memory in column 5, lines 41-49. It is inherent that the test data be stored so that it can be sent to the receiving device.

8. As per claim 7, Ho discloses wherein said computer system further comprises at least one form the group of devices: PCI bus and PCI bridge, SCSI

controller, SCSI interface, fibre channel controller, fibre channel interface in column 3, lines 10-17.

9. As per claim 8, Ho discloses wherein said computer system further comprises at least one from the group of devices: PCI bus and PCI bridge, SCSI controller, SCSI interface, fibre channel controller, fibre channel interface in column 3, lines 10-17.

10. As per claim 9, Ho discloses wherein said first data path and said second data path comprise a single data path column 5, lines 41-60.

11. As per claim 10, Ho discloses wherein at least one of said transmitting step (c), said receiving step (d), said transmitting step (e) and said receiving step (f) are repeated periodically in column 5, lines 41-67.

12. As per claim 11, Ho discloses wherein said data initiator comprises a processor within said system in column 5, lines 41-49.

13. As per claim 12, Ho discloses wherein said data receiver comprises at least one of the devices: a SCSI controller, a memory, a fibre channel controller in column 3, lines 10-17.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho in view of Stolitzka et al. (USPN 6327688B1). Ho fails to explicitly state performing a predetermined operation when said predetermined data pattern of step (c) and said data test pattern received from said data receiver if step (f) are different.

Stolitzka et al. discloses this limitation in column 4, lines 3-7, "If the two check sequences do not match, the receiving device preferable indicates this to the originating device by automatically sending an agreed-upon 'fail' check sequence, such as an all '0' or all '1' sequence."

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform a predetermined operation when said predetermined data pattern of step (c) and said data test pattern received from said data receiver if step (f) are different. A person of ordinary skill in the art would have been motivated to perform a predetermined operation when said predetermined data pattern of step (c) and said data test pattern received from said data receiver if step (f) are different because the predetermined operation allows the originating or initiating device to receive an indication of the success or the failure of the comparison.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (703) 305-3298. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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